

John H. Gomez (SBN 171485)
 John P. Fiske (SBN 249256)
 Stephanie S. Poli (SBN 286239)
GOMEZ TRIAL ATTORNEYS
 655 West Broadway, Suite 1700
 San Diego, California 92101
 Telephone: 619-237-3490
 Facsimile: 619-237-3496

Attorneys for Plaintiffs

Alicia J. Donahue, SBN 117412
adonahue@shb.com
SHOOK, HARDY & BACON L.L.P.
 One Montgomery, Suite 2700
 San Francisco, California 94104-4505
 Telephone: 415-544-1900
 Facsimile: 415-391-0281

Attorneys for Defendants
 Bayer HealthCare Pharmaceuticals Inc.,
 Bayer Corporation, and McKesson Corporation

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JOSEPH DESALVO, an individual

Plaintiff,

v.

BAYER HEALTHCARE
 PHARMACEUTICALS, INC.; BAYER
 CORPORATION; and MCKESSON
 CORPORATION;

Defendants.

Case No. 3:14-cv-05670-SI

**STIPULATION AND ~~[PROPOSED]~~
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

Hon. Susan Illston
 Date: April 10, 2015
 Time: 2:30pm
 Courtroom 10, 19th Floor

///

///

///

STIPULATION

Pursuant to the Case Management Order of the Honorable Susan Illston and Rules 6-2 and 7-12 of the Civil Local Rules for the United States District Court for the Northern District of California, the parties, Plaintiff JOSEPH DESALVO and Defendants BAYER HEALTHCARE PHARMACEUTICALS INC., BAYER CORPORATION, and MCKESSON CORPORATION (hereinafter collectively “Defendants”), by and through their attorneys of record, request that the Case Management Conference currently scheduled for April 10, 2015, be continued to July 10, 2015:

In support of this request, the parties state:

1. On December 30, 2014 Plaintiff Joseph DeSalvo commenced this action against Defendants by filing a complaint in the United States District Court for the Northern District of California, case number 3:14-cv-5670 LB. (Docket No.1)
2. On December 31, 2014 an Initial Case Management Conference was ordered to be held on April 2, 2014 at 11:00 am in Courtroom C, 15th Floor in San Francisco. (Docket No. 3)
3. On January 30, 2015, this case was reassigned to the Honorable Susan Illston in the San Francisco Division for all further proceedings, vacating all previously scheduled dates and motions. (Docket No. 9)
4. On February 2, 2015 a Case Management Conference was ordered to be held on April 3, 2015 at 2:30 pm in Courtroom No. 10, 19th floor Federal Building in San Francisco. (Docket No. 10)
5. On March 12, 2015 the Case Management Conference set for April 3, 2014 was continued to April 7, 2015. (Docket No. 23)
6. On March 24, 2015 the Case Management Conference set for April 7, 2014 was continued to April 10, 2015. (Docket No. 33)
7. Despite vigorous and repeated attempts to communicate with Plaintiff, Plaintiff will not communicate with Plaintiff’s Counsel. Plaintiff’s Counsel has attempted to communicate with Plaintiff via person, phone, email, mail, and certified mail and has been unable to reach him.
8. Plaintiff’s Counsel has relayed this information to Defendants’ Counsel as well as their intention to withdraw as Counsel from this case.

9. On April 7, 2015 Plaintiff's Counsel spoke with the clerk of this Court and indicated their intent to withdraw as Counsel from this case and wish to continue the Case Management Conference. Plaintiff's Counsel was directed to file with Defendants this joint stipulation requesting a continuance of the Case Management Conference.

10. The parties respectfully request the Court continue the Case Management Conference to July 10, 2015.

IT IS HEREBY STIPULATED,

DATED: April 8, 2015

GOMEZ TRIAL ATTORNEYS

BY: /s/ Stephanie S. Poli

John Gomez

John P. Fiske

Stephanie S. Poli

Attorneys for Plaintiff

DATED: April 8, 2015

SHOOK, HARDY & BACON LLP

By: /s/ Alicia J. Donahue

Alicia J. Donahue

Attorneys for Defendants

Bayer HealthCare Pharmaceuticals Inc.,

Bayer Corporation, and McKesson Corporation

Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatories.

By: /s/ Alicia J. Donahue

Alicia J. Donahue

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 4/9/15



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

1 John H. Gomez (SBN 171485)
John P. Fiske (SBN 249256)
2 Stephanie S. Poli (SBN 286239)
GOMEZ TRIAL ATTORNEYS
3 655 West Broadway, Suite 1700
San Diego, California 92101
4 Telephone: 619-237-3490
Facsimile: 619-237-3496
5

6 Attorneys for Plaintiff
7
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 JOSEPH DESALVO, an individual

13 Plaintiff,

14 v.

15 BAYER HEALTHCARE
16 PHARMACEUTICALS, INC.; BAYER
CORPORATION; and MCKESSON
CORPORATION;
17

18 Defendants.
19

Case No. 3:14-cv-05670-SI

**DECLARATION OF STEPHANIE S. POLI
IN SUPPORT OF JOINT STIPULATION
AND [PROPOSED] ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

Hon. Susan Illston
Date: April 10, 2015
Time: 2:30pm
Courtroom 10, 19th Floor

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

DECLARATION OF STEPHANIE S. POLI

I, STEPHANIE S. POLI declare under penalty of perjury of the laws of the United States and the State of California as follows:

1. I am a member of good standing of the State Bar of California and am one of the attorneys for Plaintiff JOSEPH DESALVO, ("Plaintiff"), in this action. I make this Declaration in Support of the Joint Stipulation and [Proposed] Order to Continue the Case Management Conference. Pursuant to the Case Management Order of the Honorable Susan Illston and Rules 6-2 and 7-12 of the Civil Local Rules for the United States District Court for the Northern District of California, the parties Plaintiff and Defendants BAYER HEALTHCARE PHARMACEUTICALS INC., BAYER CORPORATION, and MCKESSON CORPORATION (hereinafter collectively "Defendants"), by and through their attorneys of record, respectfully request that the Case Management Conference currently scheduled for April 10, 2015, be continued to July 10, 2015.
2. On December 30, 2014 Plaintiff commenced this action against Defendants by filing a complaint in the United States District Court for the Northern District of California, case number 3:14-cv-5670 LB. (Docket No.1)
3. On December 31, 2014 an Initial Case Management Conference was ordered to be held on April 2, 2014 at 11:00 am in Courtroom C, 15th Floor in San Francisco. (Docket No. 3)
4. On January 30, 2015, this case was reassigned to the Honorable Susan Illston in the San Francisco Division for all further proceedings, vacating all previously scheduled dates and motions. (Docket No. 9)
5. On February 2, 2015 a Case Management Conference was ordered to be held on April 3, 2015 at 2:30 pm in Courtroom No. 10, 19th floor Federal Building in San Francisco. (Docket No. 10)
6. On March 12, 2015 the Case Management Conference set for April 3, 2014 was continued to April 7, 2015. (Docket No. 23)
7. On March 24, 2015 the Case Management Conference set for April 7, 2014 was continued to April 10, 2015. (Docket No. 33)

8. Despite vigorous and repeated attempts to communicate with Plaintiff, Plaintiff will not communicate with Plaintiff's Counsel. Plaintiff's Counsel has attempted to communicate with Plaintiff via person, phone, email, mail, and certified mail and has been unable to reach him.
9. Plaintiff's Counsel has relayed this information to Defendants' Counsel as well as their intention to withdraw as Counsel from this case.
10. On April 7, 2015 Plaintiff's Counsel spoke with the clerk of this Court and indicated their intent to withdraw as Counsel from this case and wish to continue the Case Management Conference. Plaintiff's Counsel was directed to file with Defendants this joint stipulation requesting a continuance of the Case Management Conference.
11. The parties respectfully request the Court continue the Case Management Conference to July 10, 2015.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 8, 2015 in San Diego, California.

BY: s/ Stephanie S. Poli
Stephanie S. Poli